

CITY OF NEWARK, NEW JERSEY  
Kenneth A. Gibson, Mayor

***Blockbusting  
Ordinance***

***Effective Dates***

***1-72, 7-72, 9-72***

***Respectively***

The Newark Human Rights Commission  
Daniel W. Blue, Jr., Executive Director  
Room B-8 City Hall



AN ORDINANCE TO AMEND TITLE 17,  
CHAPTER 7, OF THE REVISED ORDINANCES  
OF THE CITY OF NEWARK, 1966

BE IT ORDAINED BY THE MINICIPAL COUNCIL  
OF THE CITY OF NEWARK, NEW JERSEY THAT:

Title 17, Chapter 7 of the Revised Ordinances of the  
City of Newark, New Jersey 1966, be and same hereby  
amended to read as follows:

17:7-1.

This Chapter may be cited as the “Blockbusting  
Ordinance.”

17:7-2. Findings and determinations.

The City of Newark finds and determines that:

(a)Certain persons have incited neighborhood unrest,  
community tension and fear of racial, religious or  
nationality changes among property owners in  
certain neighborhoods, with the purpose of  
inducing the sale or the listing for sale of real  
property;

(b)These practices are in direct contravention of the  
policy of the City of Newark to eliminate from the  
housing market restrictions based upon race,  
religion, national origin or ethnic antecedents, and  
to insure to all persons the right freely to bargain  
in an open and competitive housing market;

(c)Some persons have been and are continuing to be  
victimized by discriminatory devices employed by  
certain unscrupulous persons dealing in real estate,  
who have appealed to prejudice and bigotry as a  
means of panicking property owners into selling  
their property, and that such dealers have resold  
property to minority families at inflated prices;

(d)In the sale, leasing and other disposition of real  
estate, certain practices have been employed with  
engender racial tensions, where previously none  
existed, heighten attitudes of prejudice and  
discrimination, develop unfounded fears about the  
value of real property, evolve patterns of economic  
and social exploitation, and result in the  
development of segregated communities;

(e)Equal access to housing in all neighborhoods in  
peaceful and orderly fashion is the right of all  
persons and is in the best interests of the growth  
and development of the City of Newark;

(f)It is in the public interest to prevent and  
discourage the harmful practices commonly  
known as “blockbusting” or panic selling;

(g)It has the authority, power and right to enact this  
chapter pursuant to its police powers for the  
public health, public safety and general welfare of  
the inhabitants of the City of Newark. [Ord.  
9-4-63. Preamble]

17:7-3. Definitions.

As used in this ordinance, unless a different meaning  
clearly appears from the context, the following terms  
shall have the meaning described in this Section:

(a)Person: The term “person” includes any firm,  
association, partnership, or corporation, as well as  
a natural person. The term “person” as applied to  
partnerships or other associations includes their  
members, and as applied to firms and corporations  
includes their officers and employees.

Canvassing: The term “canvassing” includes door  
to door soliciting or soliciting by the use of  
signs, circulars, visitations, or any other means where the  
canvasser, or his employer has not been invited or  
requested by the owner as defined in (c) to obtain  
a listing of real property or to confer with the  
owner regarding a real estate transaction. The term  
“canvassing” as defined shall not apply when such  
soliciting is restricted to a specific house on a  
particular day.

(c)Owner: The term “owner” includes the lessee,  
sublessee, assignee, managing agent or other person  
having the right of ownership or possession or the  
right to sell, rent, or lease any real property.

(d)Purchaser: The term “purchaser” includes any  
occupant, prospective occupant, lessee,  
prospective lessee, buyer, prospective buyer, or  
any agent of these.

E. No references or inquiries shall be used in  
discussion with persons who telephone a  
broker or firm in response to advertising,  
designed to determine the caller’s race,  
religion, national origin or ancestry. This  
includes the direct asking of such information  
and more subtle ways of determining it, i.e.  
“what neighborhood do you live in now,” etc.

F. “Section 804 (c) of title VIII of the Civil  
Rights Act of 1968, 42 U.S.C. 4604 (c),  
makes it unlawful to make, print, or publish,  
or cause to be made, printed or published any  
notice, statement, or advertisement, with  
respect to the sale or rental of a dwelling (any  
building, structure, or portion thereof which is  
occupied as, or designed or intended for  
occupancy as a residence by one or more  
families and any vacant land which is offered  
for sale or lease for the construction thereof)  
that indicates any preference, limitation, or  
discrimination based on race, color, religion,  
or national origin, or an intention to make any  
such preference, limitation, or discrimination.  
These advertising guidelines are being issued  
with respect to the administration of title VIII  
of the Civil Rights Act of 1968 for the  
purpose of assisting the newspaper industry  
and all persons who use advertising to make,  
print, or publish or cause to be made, printed  
or published any classified or display  
advertisement with respect to the sale or  
rental of a dwelling to comply with these  
provisions of title VIII.

i. The use of words, phrases, and sentences  
which control discriminatory response.  
The following words, phrases, symbols,  
and forms are those most typically used in  
residential real estate advertising to convey  
either overt or tacit discriminatory intent.  
In considering a complaint under title VIII,  
one will normally consider the use of such  
words, phrases, symbols, and forms to  
indicate possible violation of the title and  
to establish a need for seeking resolution  
of the complaint, unless it is apparent from  
the context of their usage that

discrimination within the meaning of the  
title is not involved.

- a. Words descriptive of dwelling, landlord,  
and tenant, White private home;  
Colored home; Jewish home; Black  
man seeks apartment.
- b. Words indicative of race, color, religion,  
or national origin. Negro, Hispano,  
Mexican, Indian, Oriental, Black,  
White, WASP, Hebrew, Irish, Italian  
European, etc.
- c. Catch words. Restricted, ghetto,  
disadvantaged, and also words such as  
“private” and “traditional” when used  
in a discriminatory context.
- d. Symbols or logotypes. Symbols or  
logotypes which imply or suggest race,  
color, religion, or national origin.
- e. Colloquialisms. Locally accepted words  
or phrases which imploy or suggest  
race, color, religion, or national origin.
- f. Directions (maps written instructions).  
Use of racially significant landmarks  
such as an existing development (signal  
to Blacks) or existing, development  
known for its exclusion of minorities  
(signal to Whites). Specific directions  
from racially significant areas.
- ii. Use of human models. The use of human  
models in photographs, drawings, or other  
graphic techniques indicating race, color,  
religion, or national origin may violate the  
provisions of the Act relating to  
discriminatory advertising. For example, if  
black models were used along in displaying  
advertising the possibility of  
discriminatory intent is raised. The models,  
if sued, should indicate to the general  
public that the housing is open and  
available to all persons regardless of race,  
color, religion or national origin, and not  
for the exclusive use of such group. If  
models are used in display advertisements  
the models should reasonably represent  
both black and whites and other  
appropriate minority groups in the  
community.

17:7-4 Intent to Canvass.

(a) Any person who receives or expects to  
receive pecuniary gain from the sale of real property in  
the City of Newark shall be required to complete and  
file a form provided by the City Clerk in accordance  
with paragraphs (b) and (c) of this section prior to  
engaging in any activities to canvass in the City of  
Newark in an attempt to obtain listings of real property  
or in an attempt to bring about the sale or purchase of  
real property.

(b) The form shall contain the following  
information: (1) name and address of the person  
completing the form; (2) name and address of person by  
whom such person is employed; and (3) a listing of the  
particular block or blocks in the City which the person  
intends to canvass, as well as the date or dates of  
canvass. This shall be a realistic estimate of the actual  
intent of the canvasser.

(c) The form shall be completed and filed  
no less than 10 days or more than 30 days prior to the  
date on which the canvass will take place.

(d) The City Clerk shall assign a number to  
each application. This number, the dates on which  
canvassing shall take place, and the area which is to be  
canvassed shall be printed in a prominent place on any

literature mailed or distributed to residents as part of the  
canvass

17:7-5. Prohibited acts and practices.

It shall be unlawful for any person to commit  
any of the following acts:

(a) To induce or attempt to induce, directly or  
indirectly, the sale or listing for sale of real  
property by representing that a change has  
occurred or will or may occur with respect to  
the racial, religious, or ethnic composition of  
the residents of the block, neighborhood or  
area in which the property is located;

(b) To induce or attempt to induce, directly or  
indirectly, the sale or listing for sale of real  
property by representing that the presence or  
anticipated presence of persons of any  
particular race, religion or national origin in  
the area will or may result in:

- (1) The lowering of property values;
- (2) A change in the racial, religious, or ethnic  
composition of the residents of the block,  
neighborhood or area in which the  
property is located;
- (3) An increase in criminal or anti-social  
behavior in the areas;
- (4) A decline in the quality of the schools  
serving the area;

(c) To make any misrepresentations concerning  
the listing for sale or the anticipated listing  
for sale, or the sale of any real property in the  
area for the purpose of inducing or  
attempting to induce the sale or listing for  
sale of real property;

(d) To make any representation to any  
prospective purchaser that any block,  
neighborhood or area has, will or might  
undergo a change with respect to the  
religious, racial or nationality composition of  
the block, neighborhood or area for the  
purpose of discouraging the purchase of  
property in a particular area;

(e) To place a sign purporting to offer for sale  
any property that is not in fact offered for  
sale;

(f) To refer, directly or indirectly, to race, color  
or creed in any advertisement offering  
property for sale or rental; or

(g) To advertise for sale or rental property which  
is non-existent or which is not actually for  
sale or rental;

(h) To erect, maintain or display a “FOR SALE”  
sign, or any other sign offering for sale or for  
rent on all residential buildings occupied by  
not more than 6 families unless the following  
standards are complied with: Signs shall not  
exceed 14 inches by 24 inches in area and  
shall consist of black lettering on a white  
background, which shall state only that the  
property is either for sale or for rent and may  
contain such as “INQUIRE WITHIN,” a  
telephone number or the name of the owner  
or real estate broker or agent with whom the  
property is listed for sale or rent. Such signs  
must be removed within 7 days of the  
consummation of the sale or rental of the  
premises. Residential Building is defined as  
any building in which people reside, regardless  
of the fact that there may be a business in the  
same building.

(i) To erect, maintain or display any sign  
carrying such legends as “SOLD” on any  
structure or real estate in any residential



17:7-6. Enforcement.

- (a) Responsibility for enforcement of this chapter shall be vested in the Human Rights Commission of the City of Newark.
- (b) The Human Rights Commission shall have the following functions, powers and duties in addition to those provided otherwise by law:
  - 1. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this ordinance provided that such rules and regulations shall be approved by the Municipal Council and, upon approval, filed with the City Clerk;
  - 2. To receive and investigate complaints alleging violations of the provisions of this ordinance;
  - 3. To hold conferences and make investigations, and for this purpose, to call upon City Officials and Employees, and other bodies to aid and assist them therein;
  - 4. To render each year to the Municipal Council a written report of activities pertaining to this Ordinance.
- (c) Any person claiming to be aggrieved by an alleged unlawful practice forbidden by this ordinance, may by himself, or by his attorney at law, make, sign, and file with the Human Rights Commission a verified complaint in writing which shall state the name and address of the person, firm, partnership, or corporation alleged to have committed the unlawful practice complained of and which shall set forth the particulars thereof, reasonably required by the Human Rights Commission.
- (d) After the filing of a complaint by an aggrieved person, or by any City resident, the Human Rights Commission shall cause a prompt investigation to be made of the alleged unlawful practice.
- (e) If, after such investigation, the Human Rights Commission shall determine that no probable cause exists for crediting the allegations of the complainant, they shall, within ten (10) days from such determination, cause to be issued and served upon the complainant, written notice of such determination.
- (f) If, after such investigation, the Human Rights Commission shall determine that probable cause exists in accordance with the allegations of the complaint, they shall immediately endeavor to eliminate the unlawful practice complained of by conference and conciliation. Such conferences shall be opened to the public unless otherwise requested by one or both of the parties to the conference. They may refer the matter to the City Officials or Employees to conduct or assist in such conferences.
- (g) If the practice complained of be not eliminated, the Human Rights Commission may:
  - 1. Refer the matter to the Real Estate Commission of the State of New Jersey for such disciplinary action as may seem appropriate, and may take any records available

to the Commission as may relate to the matter, notwithstanding any other action which the Human Rights Commission may take or may already have taken;

- 2. Sign a complaint against the alleged offending person for trial before the Municipal Court;
- 3. Refer the entire file to the Corporation Counsel for such action as he may deem proper or necessary in the circumstances.

WHEREAS, Sec. 17:7-6 (a) vests responsibility for the enforcement of the blockbusting ordinance in the Human Rights Commission of the City of Newark; and

WHEREAS, Sec. 17:7-6 (b) (1) authorizes the Human Rights Commission to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of the blockbusting ordinance provided that these rules are approved by the Municipal Council and filed with the City Clerk; and

WHEREAS, the Human Rights Commission has determined that the impementation of suitable rules and regulations would aid in effectuating the purposes of the blockbusting ordinance:

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK THAT:

(1) The following rules and regulations are hereby adopted by the Human Rights Commission and approved by the Municipal Council to aid in effectuating the enforcement of Sec. 17:7-1 et seq., commonly known as the "blockbusting ordinance":

- A. No "blind ads" of any type shall be used, regardless of the nature of the ad or the property being offered. This shall include sales and rental advertising. Each such ad shall include the name and legitimate business address or phone number of the involved broker. This excludes the use of the salesman's names only, first names only, post office box numbers, home or other telephone numbers, or any other means of identifications which could possibly be construed as an attempt to hide the identity of the broker or firm in charge of the transaction.
- B. Advertising shall not contain any designation which state imply, or could be construed to imply any exclusion or limitation of any group because of race, color, religion, national origin or ancestry, sex, or physical handicap. This shall include such obvious references as "white neighborhood" parish designations, "just one block from synagogue," etc.
- C. There shall be a cessation of any real estate advertising which is designed to or could have the effect of, defeating the purpose of the blockbusting laws, and/or the Solicitation Guidelines of the Board of Realtors. This would include such practices as listing the addresses of homes recently sold in sensitive neighborhoods, advertising properties available in sensitive neighborhoods, only in minority-oriented news media, etc.
- D. No misleading advertising shall be used. The advertising broker shall not misrepresent, by actual statement or innuendo, the availability, condition, terms of sale or rental, etc. of any advertised property. Specific practices to be avoided are:
  - i. Advertising a property as being "For Sale or Rent" when only one form of

transaction is actually available. Also advertising one type of transaction when the other is the actual situation.

- ii. Advertising properties being handled under Lease-Purchase agreements as being "For Sale or For Rent." Lease-Purchases should be advertised as Lease-Purchases.

17:7-7. Construction of Chapter.

Nothing in this chapter shall be construed to prohibit or hinder a real estate broker or salesman from engaging in letitimate business practices in buying and selling real property in any neighborhood of the city from or to persons of any race, religion or nationality. This chapter shall not be construed as discouraging any person or family of whatever race, religion or nationality from seeking real property in any neighborhood of the city.

17:7-8. Penalty.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500.00, or by imprisonment for a term not exceeding 90 days, or both. (Ord. 9-4-63,4)

This Ordinance shall take effect upon final passage and publication according to the law.

MEMBERS OF THE MUNICIPAL COUNCIL

Michael Bontempo  
Michael P. Battone  
Anthony J. Giuliano  
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